IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 53 OF 2007.

Bhaskar Rao Gundu. ... Petitioner.
Versus.
State of Maharashtra & others. ... Respondents.

Shri T.B.Mishra for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 20th March, 2007.

P.C.:

1. Heard the learned Advocate appearing for the Petitioner. The Petitioner is alleging that the Respondents Nos.2 to 4 have committed breach of the order dated 21st August 2006 passed by a Division Bench of this Court. The said order reads thus:

> "1. Heard the learned Counsel for the Petitioner. Notice before admission be issued to the Respondents returnable after two weeks. The learned Counsel for the Petitioner states that the Petitioner is in actual possession of the flat. In view thereof, parties are directed to maintain status-quo as of today."

According to the Petitioner, he was dispossessed on 13th September 2006. Thereafter the Petitioner made Civil Application No.2978 of 2006 in the pending writ petition for restoration of possession by pointing out to the Division Bench of this Court that the Petitioner has been allegedly dispossessed in breach of the ad-interim

order dated 21st August 2006.

2. By order dated 20th December 2006, Writ Petition and the Civil Application were disposed of by the Division Bench of this Court by holding that as the order passed under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was appealable under section 17 of the said Act, Writ Petition under Article 226 of the Constitution cannot be entertained. The Division Bench directed that the order of status- quo granted on 21st August 2006 will continue to operate till the date on which the Appeal under section 17 is preferred by the Petitioner provided such an Appeal was preferred within a period of four months from 20th December 2006.

3. The Petitioner is alleging dispossession in breach of an ad-interim order. The Division Bench has chosen not to restore possession while disposing of the Writ Petition and the Civil Application for restoration of possession. In view of the order passed in the Writ Petition and considering the facts and circumstances of the case, no case is made out for taking action under the Contempt of Courts Act, 1971. Petition is rejected.

Judge.